

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-8 are currently pending. Claims 1 and 5 are independent. Claims 1 and 5-7 are hereby amended. No new matter has been introduced. Support for this amendment is provided throughout the Specification as originally filed, specifically in pages 18 and 19. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

### **II. REJECTIONS UNDER 35 U.S.C. §102(b)**

Claims 1-8 were rejected under 35 U.S.C. §102(b) as allegedly unpatentable over U.S. Patent No. 5,537,414 to Takiyasu et al, (hereinafter, merely “Takiyasu”).

Claim 1 recites, *inter alia*:

“said commands comprising both competitive commands and non-competitive commands;  
rejecting acceptance of the command if it is determined that said received command is a competitive command;  
whereby the disturbance caused by an acceptance of a competitive command to other terminals that are under a receiving state is minimized.” (emphasis added)

As understood by Applicant, Takiyasu relates to a communication system that has a base station for controlling a transmission right and a plurality of substations. A substation transmits the number of necessary fragments of data to be transmitted and its address to a request field of a communication frame. The base station uses a plurality of pairs of fragment slots and reply slots that follows the request field in the communication frame to transmit an address of a substation that is permitted to transmit data to each fragment slot. The substation that is permitted to transmit data transmits the address of a destination substation and the data to a predetermined field following the address in one fragment slot. The destination station transmits a reply signal indicating the reception state of the data to the reply slot paired with the fragment slot. If the base station detects from the reply signal that the destination station failed in receiving the data, the base station instead of the substation that first transmitted the data transmits the destination address and data received at the fragment slot to the next fragment slot.

Applicant respectfully submits that Takiyasu does not teach or suggest receiving commands issued from any of plural terminals, wherein the commands comprise both competitive commands and non-competitive commands. Nor does Takiyasu suggest rejecting acceptance of the command if it is determined that the received command is a competitive command. Thus, Takiyasu fails to teach minimizing the disturbance caused by an acceptance of a competitive command to other terminals that are under a receiving state, all as recited in claim 1.

Therefore, Applicant respectfully submits that claim 1 is patentable.

For reasons similar to those described above with regard to independent claim 1, independent claim 5 is also believed to be patentable.

### III. DEPENDENT CLAIMS

The other claims are dependent from one of the independent claims discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

### CONCLUSION

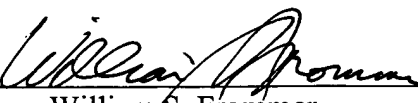
Claims 1-8 are in condition for allowance. In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

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In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicant respectfully request early passage to issue of the present application.

Respectfully submitted,

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